4

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EXAMINER	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/757,560	GUSTAFSSON, PATRIK	
	Examiner	Art Unit	
	Philip C. Lee	2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 February 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-37* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-37* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

1. This action is responsive to the amendment and remarks filed on February 21, 2007.

2. Claims 1-37 are presented for examination.

3. The text of those sections of Title 35, U.S. code not included in this office action can be found in a prior office action.

Claim Rejections – 35 USC 112

4. Claims 1-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. Claim language in the following claims is not clearly understood:

i. As per claim 1, lines 11-14, it is unclear how an access request signal can be forwarded by a terminal when the access request signal is already sent by the terminal in lines 7-10. [i.e., is it a different or another access request signal?].

Claim Rejections – 35 USC 103

5. Claims 1-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kalke, U.S. Patent Application Publication 2004/0137890 (hereinafter Kalke) and Muramatsu et al, U.S.

Patent Application Publication 2006/0155803 (hereinafter Muramatsu) in view of Martin, JR. et al, U.S. Patent Application Publication 2003/0023849 (hereinafter Martin, JR.).

6. Kalke, Muramatsu and Martin, JR. were cited in the last office action.

7. As per claims 1 and 33, Kalke taught the invention substantially as claimed by which a terminal (10) (122, fig. 1), comprising:

sending an access-request signal (page 5, paragraph 84) (sending Activate PDP context Request) to a network by a terminal for connecting to a help-portal server of said network (842, fig. 8, page 5, paragraphs 79 and 84) and for requesting a provisioning signal or a management session signal for configuring the terminal (page 4, paragraph 65); and

forwarding the access-request signal to the help-portal server by the terminal (Note that DNS query must include URL of the GGSN in order for the DNS to lookup corresponding IP addresses) using a trusted access point node (e.g. APN) in order to provide the provisioning signal or the management session signal to the terminal (page 5, paragraphs 83-90; page 6, paragraph 106; page 9, paragraph 149), wherein said help-portal server is identified to said terminal by the network using a chain of trust comprising consecutive exchange of information between the network and the terminal (1051, 1056, 1058, fig. 10) (i.e., consecutive exchange between network (comprised of SGSN, APN DNS, GGSN, WAP Gateway) and the terminal (MS)),

wherein the terminal is enabled for handling data-protocol services and dynamically configured for the data-protocol services specific to a service provider (terminal enable for

receiving activation/provisioning service associated with a particular service provider (page 4, paragraph 60; page 7, paragraph 114) based on said chain of trust (i.e., consecutive exchange between network (comprised of SGSN, APN DNS, GGSN, WAP Gateway) and the terminal (MS)) so as to be able to connect said terminal to an IP backbone network via a network (device is able to connect to an "back end" activation/provisioning server via a network) (page 4, paragraphs 70-71), which provides said data-protocol services and which is provided by said service provider (page 7, paragraph 114).

8. Kalke did not explicitly use a well-known uniform resource locator (URL) for said help-portal server. Muramatsu taught sending a request to a help-portal server by a terminal using a well-known uniform resource locator for said help-portal server (PVS 500) (page 4, paragraphs 55, 65; page 5, paragraphs 79, 80).

9. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Muramatsu with Kalke in order for a terminal in Kalke's system to send a request to a portal server based on specified address.

10. Kalke and Muramatsu did not specifically teach provisioning in a secure way based on a chain of trust. Martin, JR. taught a similar invention for provisioning in a trusted (i.e. "secure") environment based on a chain of trust (page 2, paragraphs 18-20).

11. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Kalke, Muramatsu and Martin, JR. because Martin, JR.'s teaching of provisioning in a trusted environment would increase the security in Kalke's and Muramatsu's systems by providing the ability to control provisioning to mobile devices to prevent unauthorized provisioning (page 1, paragraph 3).

12. As per claim 19, Kalke taught the invention substantially as claimed comprising:

a terminal (122, fig. 1), enabled for handling data-protocol services and dynamically configured for the data-protocol services specific to a service provider (page 4, paragraph 60), responsive to a provisioning signal or to a management session signal for configuring the terminal (page 4, paragraph 70), for providing an access-request signal (page 5, paragraph 84); and

a network provided by said service provider (page 7, paragraph 114), responsive to the access-request signal (page 5, paragraph 84), for providing the data-protocol services specific to a service provider (page 4, paragraph 70), for forwarding the access-request signal to a help-portal server (Note that DNS query must include URL of the GGSN in order for the DNS to lookup corresponding IP addresses) using a well-known access point node name (APN), for providing the provisioning signal or the management session signal to the terminal to perform said configuring (page 5, paragraphs 83-90; page 6, paragraph 106; page 9, paragraph 149) and for enabling after said configuring a connection of said terminal to an IP backbone network via the network (page 6, paragraph 108), wherein said help-portal server is identified to said terminal by the network using said chain of trust comprising consecutive exchange of information

between the network and the terminal (1051, 1056, 1058, fig. 10) (i.e., consecutive exchange between network (wherein the network comprised of SGSN, APN DNS, GGSN, WAP Gateway) and the terminal (MS)).

13. Kalke did not explicitly use a well-known uniform resource locator (URL) for said help-portal server. Muramatsu taught sending a request to a help-portal server by a terminal using a well-known uniform resource locator for said help-portal server (PVS 500) (page 4, paragraphs 55, 65; page 5, paragraphs 79, 80).

14. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Muramatsu with Kalke in order for a terminal in Kalke's system to send a request to a portal server based on specified address.

15. Kalke and Muramatsu did not specifically teach provisioning in a secure way based on a chain of trust. Martin, JR. taught a similar invention for provisioning in a trusted (i.e. "secure") environment based on a chain of trust (page 2, paragraphs 18-20).

16. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Kalke, Muramatsu and Martin, JR. because Martin, JR.'s teaching of provisioning in a trusted environment would increase the security in Kalke's and Muramatsu's systems by providing the ability to control provisioning to mobile devices to prevent unauthorized provisioning (page 1, paragraph 3).

17. As per claims 34 and 36, Kalke taught the invention substantially as claimed for a terminal (122, fig. 1), comprising:

means for sending, for providing an access-request signal (page 5, paragraph 84) (sending Activate PDP context Request) to a network by a terminal for connecting to a help-portal server of said network (842, fig. 8, page 5, paragraphs 79 and 84) and for requesting a provisioning signal or a management session signal for configuring the terminal (page 4, paragraph 65),

means for forwarding the access re-quest signal to the help-portal server by the terminal using a trusted access point node in order to provide the provisioning signal or the management session signal to the terminal (page 5, paragraphs 83-90; page 6, paragraph 106; page 9, paragraph 149), wherein said help-portal server is identified to said terminal by the network using a chain of trust comprising consecutive exchange of information between the network and the terminal (1051, 1056, 1058, fig. 10) (i.e., consecutive exchange between network (comprised of SGSN, APN DNS, GGSN, WAP Gateway) and the terminal (MS)),

wherein the terminal is enabled for handling data-protocol services and dynamically configured for the data-protocol services specific to a service provider (terminal enable for receiving activation/provisioning service associated with a particular service provider (page 4, paragraph 60; page 7, paragraph 114) based on said chain of trust (i.e., consecutive exchange between network (comprised of SGSN, APN DNS, GGSN, WAP Gateway) and the terminal (MS)) so as to be able to connect said terminal to an IP backbone network via a network (device is able to connect to an "back end" activation/provisioning server via a network) (page 4,

paragraphs 70-71), which provides said data-protocol services and which is provided by said service provider (page 7, paragraph 114).

18. Kalke did not explicitly use a well-known uniform resource locator (URL) for said help-portal server. Muramatsu taught sending a request to a help-portal server by a terminal using a well-known uniform resource locator for said help-portal server (PVS 500) (page 4, paragraphs 55, 65; page 5, paragraphs 79, 80).

19. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Muramatsu with Kalke in order for a terminal in Kalke's system to send a request to a portal server based on specified address.

20. Kalke and Muramatsu did not specifically teach provisioning in a secure way based on a chain of trust. Martin, JR. taught a similar invention for provisioning in a trusted (i.e. "secure") environment based on a chain of trust (page 2, paragraphs 18-20).

21. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Kalke, Muramatsu and Martin, JR. because Martin, JR.'s teaching of provisioning in a trusted environment would increase the security in Kalke's system by providing the ability to control provisioning to mobile devices to prevent unauthorized provisioning (page 1, paragraph 3).

22. As per claims 2, 21, 35, and 37, Kalke, Muramatsu and Martin, JR. taught the invention substantially as claimed in claims 1 and 19 above. Kalke further taught wherein said data-protocol services specific to said service provider are provided by a general packet radio service (page 9, paragraph 149).

23. As per claim 3, Kalke, Muramatsu, and Martin, JR. taught the invention substantially as claimed in claim 1 above. Kalke further taught wherein the access-request signal is sent by a browser user agent block of the terminal (page 4, paragraphs 61-62).

24. As per claims 4 and 20, Kalke, Muramatsu, and Martin, JR. taught the invention substantially as claimed in claims 1 and 19 above. Muramatsu further taught wherein the well-known uniform resource locator is allowed by an access control profile of the terminal (page 4, paragraphs 55, 65; page 5, paragraphs 79, 80).

25. As per claim 5, Kalke, Muramatsu, and Martin, JR. taught the invention substantially as claimed in claim 1 above. Kalke further taught comprising sending the provisioning signal or the management session signal to the terminal for configuring the terminal (page 4, paragraph 70).

26. As per claims 6 and 30, Kalke, Muramatsu, and Martin, JR. taught the invention substantially as claimed in claims 5 and 19 above. Kalke further taught wherein the provisioning signal is sent over an IP bearer or sent using a short message service protocol (fig. 12) (i.e. WAP gateway 1244 connected to the portal 252 as IP bearer).

27. As per claims 7 and 31, Kalke, Muramatsu, and Martin, JR. taught the invention substantially as claimed in claims 6 and 30 above. Kalke further taught wherein said provisioning signal is sent over the IP bearer using a hypertext transfer protocol or a hypertext transfer protocol secure (page 4, paragraph 62).

28. As per claims 8 and 32, Kalke, Muramatsu, and Martin, JR. taught the invention substantially as claimed in claims 6 and 30 above. Kalke further taught wherein said provisioning signal is sent over the air (page 6, paragraph 110).

29. As per claims 9 and 23, Kalke, Muramatsu, and Martin, JR. taught the invention substantially as claimed in claims 1 and 19 above. Kalke further taught comprising:

identifying to the terminal the trusted access point node name by a trusted home location register of the network (page 6, paragraph 106);

forwarding the access-request signal to the trusted access point node by the terminal (page 5, paragraph 84; page 9, paragraph 149);

identifying to the terminal a trusted domain name service server of the network by the trusted access point node (page 5, paragraph 84; page 9, paragraph 149);

forwarding said access-request signal by the terminal to the trusted domain name service server for identifying an address mapping for the help-portal server (page 5, paragraphs 85-86 and 90); and

identifying said address mapping to the terminal by the trusted domain name service server (page 5, paragraph 89).

30. As per claims 10 and 24, Kalke, Muramatsu, and Martin, JR. taught the invention substantially as claimed in claims 9 and 23 above. Kalke and Muramatsu further taught wherein a security of configuring the terminal is ensured by means of the chain of trust built by the trusted home location register (see Kalke, 1132, fig. 11), by the well-known access point node name for accessing the trusted access point node (see Kalke, page 5, paragraph 87), by the trusted access point node (see Kalke, page 5, paragraph 86) (i.e. GGSN that handles the specific APN), by the trusted domain name service server (see Kalke, 1024, fig. 10) and by the well-known uniform resource locator (see Kalke, page 5, paragraphs 85-86, i.e., Note that it is inherent that DNS query must included a URL in order for the DNS to retrieve a list of IP addresses; see Muramatsu, page 4, paragraphs 55, 65; page 5, paragraphs 79, 80).

31. As per claim 11, Kalke, Muramatsu, and Martin, JR. taught the invention substantially as claimed in claim 1 above. Kalke further taught wherein after forwarding the access-request signal to the help-portal server, the method further comprises: sending a user authentication request signal to an authentication block of the network or to the terminal or to both, the authentication block and the terminal, respectively, by the help-portal server, and a receiving authentication confirmation signal back from the authentication block or from the terminal, respectively, or from both, the authentication block and the terminal (page 14, paragraphs 226 and 228); and

determining if the terminal is authentic by the help-portal server based on the authentication confirmation signals (page 14, paragraph 227).

32. As per claims 12 and 25, Kalke, Muramatsu, and Martin, JR. taught the invention substantially as claimed in claims 11 and 23 above. Kalke and Muramatsu further taught wherein said access-request signal contains user identification information (e.g. MSISDN) (see Kalke, page 5, paragraphs 85-86), a generic uniform resource locator (URL) request for the help-portal server (see Muramatsu, page 4, paragraphs 55, 65; page 5, paragraphs 79, 80), and a well-known access point node name for accessing the trusted access point node or a wildcard access point node (see Kalke, page 5, paragraph 87).

33. As per claims 13 and 26, Kalke, Muramatsu, and Martin, JR. taught the invention substantially as claimed in claims 12 and 25 above. Kalke further taught comprises:

sending a triggering signal (e.g. request) to a provisioning server by the help-portal server (page 4, paragraph 66; fig. 8); and (Since the wireless device access the provisioning server 852 via portal server, thus the request must be forward to the provisioning server by the portal server)

sending a provisioning signal by the provisioning server to the terminal and so configuring said terminal (page 4, paragraph 70).

34. As per claims 14 and 27, Kalke, Muramatsu, and Martin, JR. taught the invention substantially as claimed in claims 11 and 23 above. Kalke and Muramatsu further taught wherein said access-request signal contains user identification information (e.g. MSISDN) (see

Kalke, page 5, paragraphs 85-86), a generic uniform resource locator request for the help-portal server (see Muramatsu, page 4, paragraphs 55, 65; page 5, paragraphs 79, 80) and for a device management server (e.g. PDP address), a well-known access point node name for accessing the trusted access point node or a wildcard access point node (e.g. APN) (see Kalke, page 5, paragraph 87).

35. As per claim 28, Kalke, Muramatsu, and Martin, JR. taught the invention substantially as claimed in claim 27 above. Kalke further taught wherein the network further comprises: a device management server (242, fig. 2), responsive to the access-request signal (PDP Context Request) and to a further access-request signal (subsequent PDP Context Request) containing a network access authentication (i.e. responsive to PDP Context Request containing MSISDN), for providing the management session signal to the terminal for configuring the terminal (page 4, paragraphs 69-70).

36. As per claims 15 and 29, Kalke, Muramatsu, and Martin, JR. taught the invention substantially as claimed in claims 14 and 28 above. Kalke and Martin, JR. further taught comprising:

sending an initial provisioning triggering signal to a device management server for initial provisioning (see Kalke, page 4, paragraphs 65-66); and

sending a further triggering signal by the help-portal server to an initialization content handler of the terminal, said further triggering signal containing a proxy address for connecting to the device management server (see Martin, JR., page 3-4, paragraphs 29-30).

37. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Kalke, Muramatsu, and Martin, JR. for the same reason set forth in claim 1 above.

38. Kalke, Muramatsu, and Martin, JR. did not teach containing a password in the triggering signal. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to include a password in a triggering signal (e.g. request) in order for a terminal to access to a server because by doing so it would avoid unauthorized terminal accessing to a sensitive data in the server, thus increase the security of a system.

39. As per claim 16, Kalke, Muramatsu, and Martin, JR. taught the invention substantially as claimed in claim 15 above. Martin, JR. further taught comprising: determining if the further triggering signal contains an instruction of making a connection (i.e. for establishing a provisioning session) to the device management server by the terminal (page 3, paragraph 29).

40. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Kalke, Muramatsu, and Martin, JR. because Martin, JR.'s teaching of determining if a triggering signal contains an instruction of making a connection to the device management server would increase the efficiency of Kalke's and Muramatsu's systems by allowing a terminal to receive provisioning directive remotely from a device management server.

41. As per claim 17, Kalke, Muramatsu, and Martin, JR. taught the invention substantially as claimed in claim 16 above. Martin, JR. further taught comprises:

sending a start signal (i.e. forwarding the SMS provisioning message as a start signal) to a device management agent block of the terminal by the initialization content handler block (page 4, paragraph 30);

sending a further access-request signal containing a network access authentication to the device development server by the device management agent block (page 4, paragraphs 30-31); and

sending the management session signal by the device development server to the terminal for further configuring the terminal (page 4, paragraph 31).

42. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Kalke, Muramatsu, and Martin, JR. because Martin, JR.'s teaching of sending signal for further configuring the terminal would increase the efficiency of Kalke's and Muramatsu's systems by allowing a terminal to receive provisioning directive remotely from a device management server.

43. As per claims 18 and 22, Kalke, Muramatsu, and Martin, JR. taught the invention substantially as claimed in claims 1 and 19 above. Kalke further taught comprises: starting a browser user agent by a starting signal from a user (page 8, paragraph 139). (Note that Kalke taught activate a device with user interface (i.e. browser user agent), thus it is inherent that a user

must present a starting signal to start the user interface (e.g. clicking on an interface icon).

44. Applicant's arguments with respect to claims 1-37, filed 02/21/07, have been fully considered but are not persuasive.

45. In the remark applicant argued that

(1) why claims 1-18 were again rejected under 35 U.S.C. 112, second paragraph.

(2) Incorporating teachings of Martin et al. into Kalke will teach away from the present invention.

(3) Combining Muramatsu et al. with Kalke will teach away from the present invention.

(4) The office failed to demonstrate or provide any reasonable arguments in regard to "suggested desirability or motivation" or "reasonable expectation of success" for combining references by a person skilled in the art at the time of the invention without hindsight.

46. In response to point (1), as stated in paragraph 44 of the office action mailed on 12/08/2006, in the telephone interview, applicant explains that the terms "forwarding as having same meaning as "sending", however, as stated in pages 2 and 3 of the remarks filed on 2/21/2007, applicant stated that: "The term "forwarding" is <u>not the same</u> as "sending" and it is defined in the specification of the present invention, e.g., on page 17, lines 8-14 ...". It is noted

that the explanations given during the telephone interview is different than the explanations stated in the remarks filed on 2/21/2007. The examiner acknowledged the quoting of MPEP sections 608.01(o), 2111.01 and 2173.01 (applicants are their own lexicographers), however the applicant did not "defined" the terms "forwarding" or "sending", nor did the applicant "clearly set forth" how an access request signal can be forwarded by a terminal when the access request signal is already sent by the terminal in the specification and the claims. Page 16, lines 26-27 of the specification disclosed an access request signal 30 is sent by a terminal. However, page 17, lines 8-9 disclosed the *same* access request signal 30 is forwarded by the *same* terminal. The specification did not describe how the *same* access request signal 30 is sent and then forwarded by the terminal. It is noted that unless the sent access request signal is received by the terminal or the signal is different than the access request signal already sent, the terminal cannot forward a signal that is already sent. Based on the explanations in the remarks filed on 2/21/2007 that sending an access request signal by a terminal is a different claim requirement than forwarding the access request signal by the terminal, it is unclear how an access request signal can be forwarded by a terminal in lines 14-15 when the access request signal is already sent by the terminal in lines 9-10 in claim 1. Accordingly, rejection of 35 USC 112, 2nd paragraph is maintained.

47. In response to point (2), Martin et al teach delegation of provisioning by Trusted Provisioning Domains (TPDs) that are coupled to network 3, hence forming a chain of trusted domains that are part of the network 3 (fig. 1, page 2, paragraphs 17 and 20). Similar to the claimed invention, Martin et al's teaching is directed to a chain of trust that is established by the

network. Therefore, incorporating teachings of Martin et al. into Kalke will not teach away from the present invention.

48. In response to point (3), Kalke teaches forwarding the access request signal to the help portal server by the terminal in order to provide a provisioning signal or a management (page 5, paragraphs 83-90; page 6, paragraph 106; page 9, paragraph 149). Kalke does not teach using well-known uniform resource locator (URL) for said help portal server. Muramatsu teaches sending a request to a help portal server by a terminal using a well-known uniform resource locator for the help portal server (page 4, paragraphs 55 and 65; page 5, paragraphs 79 and 80). The combination of Kalke's and Muramatsu's teachings would allow forwarding of the access request signal to the help portal server using well-known uniform resource locator by the terminal in order to provide a provisioning signal or a management, which is substantially as claimed in the present invention. Therefore, incorporating teachings of Muramatsu into Kalke will not teach away from the present invention.

49. In response to point (4), applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

50. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action. Any inquiry concerning this communication or earlier communications form the examiner should be directed to Philip Lee whose telephone number is (571) 272-3967. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9600.

Philip Lee

BUNJOB JAROENCHONWANIT
SUPERVISORY PATENT EXAMINER